

**EUREKA TOWNSHIP
DAKOTA COUNTY
STATE OF MINNESOTA**

DATA PRACTICES ACT POLICY

Township not Subject to Data Practices Act

Eureka Township is not subject to the Data Practices Act. The Data Practices Act applies to “government entities.” Minn. Stat. § 13.01. A government entity is defined as “a state agency, statewide system, or political subdivision.” Minn. Stat. § 13.02 subd. 7a. Political subdivision is defined as “any county, statutory or home rule charter city, school district, special district, any town exercising powers under chapter 368 and located in the metropolitan area, as defined in section 473.121, subdivision 2, and any board, commission, district, or authority created pursuant to law, local ordinance or charter provision.” Minn. Stat. § 13.02 subd. 11.

As such, under the plain language of the statute, the Data Practices Act does not apply to towns unless those towns are in the metropolitan area and exercise urban town powers under chapter 368. The metropolitan area is defined as “the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the Cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington.” Eureka Township although located within the metropolitan area is not legally authorized to exercise urban town powers and therefore is not governed by the Data Practices Act as the Eureka Township does not contain “platted portions where 1,200 or more people reside” or “has a platted area within 20 miles of the city hall of a city of the first class having over 200,000 population” (i.e., the City of Minneapolis or the City of St. Paul). Further, the Township has never adopted a resolution adopting urban town powers pursuant to Minn. Stat. § 368.01. As such, the Township may decline to respond to requests for documents.

The Township has chosen to respond to requests for data from members of the public, and will follow this Data Practices Act Policy.

How to Make a Data Request

You can look at data, or request copies of data that this government entity keeps by making a written request. Make your request for data to the appropriate individual listed in the Data Practice Contacts on page 6. You may make your request for data by mail, fax, in-person, or e-mail, using the data request **Data Request Form** attached to this Data Practices Act Policy.

If you choose not to use the data request form, your request should include:

- That you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13.
- Whether you would like to look at the data, get copies of the data, or both.
- A clear description of the data you would like to inspect or have copied.

This government entity cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to provide us with any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your request, we will work to process it.

- If it is unclear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - * Inspection must occur during normal Township business hours and at a time when staff are available , or
 - * Provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email) upon request if we keep the data in electronic format.
 - * Information about copy charges is on pages 6-7.
 - * Following our response, if you do not make arrangements within ten business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

Eureka Township is not required to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time. In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

Eureka Township may ask questions or request additional information in order to better process your request. If you do not respond to a request for clarification or other communication about your request, we will consider your request abandoned after a reasonable time passes.

REQUESTS FOR DATA ABOUT YOU AND YOUR RIGHTS AS A DATA SUBJECT

What is a “Data Subject”?

When government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

When the Township has data about you

Eureka Township has data on many people, such as employees, job applicants, vendors, etc. We can collect and keep data about you only when we have a legal purpose to have the data. The Township must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

- **Public Data**
The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.
- **Private data**
We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have. Examples of your private data are your social security number and date of birth.
- **Confidential Data**
Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. An example of confidential data is the identity of the subject of an active criminal investigation.

Your rights under the Data Practices Act

As a data subject, you have the following rights:

- **Access to Your Data**

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask us not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennessen warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the consent form we provide.

- **Protecting Your Data**

The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe. In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

- **When Your Data are Inaccurate or Incomplete**

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to make a request for your data:

You can ask to look at (inspect) data at our offices, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

We recommend using the **Data Request Form** attached to this policy. If you do not choose to use the data request form, your request should:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

We require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity below. If you do not provide proof that you are the data subject, we cannot respond to your request.

Standards for Verifying Identity

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID (including a school/student ID)
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- The parent or guardian of a minor must provide a valid photo ID and either
 - a certified copy of the minor's birth certificate or
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage

- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.

How We Respond to a Data Request

Upon receiving your request, we will review it.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, and the data are public or private data about you, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - * Arrange a date, time, and place during Township regular business hours and when staff are available to inspect data, for free, if your request is to look at the data, or
 - * Provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email) upon request if we keep the data in electronic format.
 - * Information about copy charges is on page 7.
 - * Following our response, if you do not make arrangements within ten business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
 - * After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required to respond to questions that are not about your data requests, or that are not requests for government data.

DATA PRACTICES ACT CONTACTS

Responsible Authority

Town Clerk
25043 Cedar Avenue
Farmington, MN 55024
Phone: (952) 469-3736
E-mail: clerk@eurekatownship-mn.us

Data Practices Compliance Official

Town Board Compliance Liaison
25043 Cedar Avenue
Farmington, MN 55024

DATA PRACTICES ACT CHARGES

Copy Costs – Members of the Public

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). You must pay for the copies before we will give them to you. The cost for paper copies of data are 25 cents per one sided black and white copy (50 cents for two sided) and 75 cents per colored copy (1.50 cents for two sided).

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, thumb drive, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is \$60.00 per hour. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

Date of request: _____

I am requesting access to data in the following way:

- Inspection (*no charge, and must be done during normal Township business hours*)
- Copies (*cost for copies of data must be received in advance*)
- Both inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information:

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

You are not legally required to provide any of the above contact information; however, if you want us to mail/email you copies of data, we will need your contact information. In addition, providing contact information may help us process your request. If we do not understand your request and need to get clarification from you, we will not be able to begin processing your request until you contact us.

Eureka Township will respond to your request as soon as reasonably possible.

For Office Use Only

Date request received: _____ Public Data / Nonpublic Data Approved / Denied

Date paid: _____ Amount \$: _____ Receipt no.: _____

Request handled by: _____ Date data provided: _____